

Notice of Allowability

Application No.

10/511,796

Examiner

Mohammad Meah

Applicant(s)

SODE, KOJI

Art Unit

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/27/06.
2. ☒ The allowed claim(s) is/are 2-7 and 32-55.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 1/9/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☒ Other facsimile.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given by Che Chereskin 03/23/2006 with a facsimile (attached herewith).

EXAMINER'S AMENDMENT

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Rewrite claim 44. "A recombinant DNA which encodes a protein having a substitution, deletion, insertion or addition of 1 to 5 amino acid residues in the protein which has at least the amino acid sequence comprising amino acids 23 to 425 of SEQ ID NO: 16 and having glucose dehydrogenase activity"

The following is an examiner's statement of reasons for allowance:

Applicant has cloned a novel recombinant DNA of SEQ ID NO: 15 encoding glucose dehydrogenase of SEQ ID NO: 16 from *Burkholderia cepacia*. Prior art does not teach or suggest the DNA of SEQ ID NO 15. As such the claimed DNA of SEQ ID NO: 15,

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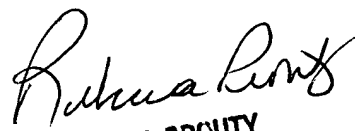
method of producing glucose dehydrogenase encodes by the said DNA using host cell containing vector expressed with said DNA, vector and host cell expressed with said DNA are novel and non-obvious.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Meah whose telephone number is 571-272-1261. The examiner can normally be reached on 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapu Achutamurthy can be reached on 571-272-0928. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mohammad Younus Meah, PhD
Examiner, Art Unit 1652
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Che S. Chereskin
Patent Agent

March 23, 2006

Examiner Mohammad Y Meah
Art Unit 1652

Re: U.S. Application No. 10/511,796
Title: GLUCOSE DEHYDROGENASE β -SUBUNIT AND DNA ...
Our Reference No.: TOYA126.002APC

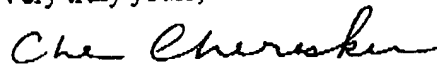
Dear Examiner Meah

Our client has approved amendment of claim 44 as shown below.

44. (Proposed amendment) A recombinant DNA which is ~~hybridizable with a nucleotide sequence consisting of nucleotides 187 to 1398 of SEQ ID NO: 15 under stringent conditions comprising 1xSSC, 0.1% SDS, and 60 °C, which has 90% or more homology to SEQ ID NO: 15, and which encodes a protein having a substitution, deletion, insertion or addition of 1 to 5 amino acid residues in the protein which has at least the amino acid sequence comprising amino acids 23 to 425 of SEQ ID NO: 16, and having glucose dehydrogenase activity.~~

Note that we have deleted reference to SEQ ID NO: 15 as we believe that this is already covered by claim 3. Please discuss with your supervisor if you can amend claim 44 as shown by Examiner's amendment. However, if there are further concerns, please contact me at (949) 721-6385.

Very truly yours,



Che Swyden Chereskin, Ph.D.

2471535
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TO: Mohammad Y Meah
FIRM: USPTO
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OUR REF.: TOYA126.002APC
YOUR REF.: 10/511,796
FROM: Che Chereskin
OPERATOR: Deirdre Bailey
DATE: March 23, 2006

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MESSAGE: DEAR EXAMINER MEAH,

PLEASE CALL ME WITH ANY QUESTIONS AT (949) 721-6385

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